

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 15 and 44-47 are amended without prejudice or disclaimer. Claims 14 and 16-23 are cancelled without prejudice or disclaimer.

#### **Rejection of Claims 1-37 and 44-47 Under 35 U.S.C. §112**

The Office Action rejects claims 1-37 and 44-47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended the independent claims to clarify the issue raised in this rejection. Applicants have required that the receiving of a request for reservation is done at a current time. Accordingly, this clarifies that the reservation is for resources and the compute environment at a future time relative to the current time at which the request for a reservation is received.

#### **Rejection of Claims 1-15, 17-37 and 44-47 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-15, 17-37 and 44-47 under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al. (U.S. Patent Publication No. 2004/0244006) (“Kaufman et al.”) in view of “Official Notice”. Applicant does not acquiesce to the combination of references, the taking of Official Notice or the characterization of the prior art. However, as noted below, inasmuch as the allowable subject matter of claim 16 is incorporated into the parent claim of these claims, Applicant submits that the present application is in condition for allowance. Applicant canceled claims 17-23 without prejudice or disclaimer. Applicant reserves the right to argue against the characterization of the teachings of the reference in a future application or context.

**Rejection of Claims 1-15, 17-37 and 44-47 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-15, 17-37 and 44-47 under 35 U.S.C. §103(a) as being unpatentable over Talwar et al. (U.S. Patent Publication No. 2004/0139202) (“Talwar et al.”) in view of “Official Notice”. Applicant does not acquiesce to the combination of references, the taking of Official Notice or the characterization of the prior art. However, as noted below, inasmuch as the allowable subject matter of claim 16 is incorporated into the parent claim of these claims, Applicant submits that the present application is in condition for allowance. Applicant canceled claims 17-23 without prejudice or disclaimer. Applicant reserves the right to argue against the characterization of the teachings of the reference in a future application or context.

**Rejection of Claims 1-15, 17-37 and 44-47 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-15, 17-37 and 44-47 under 35 U.S.C. §103(a) as being unpatentable over Naik et al. (U.S. Patent Publication No. 2006/0294238) (“Naik et al.”) in view of “Official Notice”. Applicant does not acquiesce to the combination of references, the taking of Official Notice or the characterization of the prior art. However, as noted below, inasmuch as the allowable subject matter of claim 16 is incorporated into the parent claim of these claims, Applicant submits that the present application is in condition for allowance. Applicant canceled claims 17-23 without prejudice or disclaimer. Applicant reserves the right to argue against the characterization of the teachings of the reference in a future application or context.

**Allowable Subject Matter**

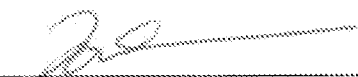
Claim 16 is objected to a being dependent upon a rejected base claim, but would be allowable is rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have incorporated the subject matter of claim 16 into the respective parent claims. Applicant canceled claims 17-23 without prejudice or disclaimer. Accordingly, Applicants respectfully submit that the present application is patentable and in condition for allowance.

**CONCLUSION**

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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By: 

Correspondence Address:  
Customer No. 40271

Thomas M. Isaacson  
Attorney for Applicants  
Reg. No. 44,166  
Phone: 410-286-9405  
Fax No.: 410-510-1433